

April 18, 2007

Chair Kraus & Board Members  
California Regional Water Quality Control Board San Diego Region  
9174 Sky Park Court, Ste. 100  
San Diego, CA 92123-4340



RE: Adoption of Total Maximum Daily Loads (TMDLs) for copper, lead, and zinc in Chollas Creek

Dear Chair Kraus and Members of the Regional Board:

I am writing on behalf of San Diego Coastkeeper (Coastkeeper), a non-profit organization working to protect the region's bays, beaches, watersheds, and ocean. We have been active participants throughout the Chollas Creek TMDL process. Coastkeeper believes the adoption and implementation of the TMDL as soon as possible is a crucial step toward achieving water quality objectives in Chollas Creek.

Our organization wrote letters of concern dated September 25, 2006 and February 12, 2007 stating our sincere hope that the Regional Water Board would comply with the State Board's request for the Regional Board to comply with the remand for the noticing requirements within three months. Unfortunately the Regional Board has decided to forego our concerns and further postpone the TMDL adoption process by unexplained delays, creation of substantive changes, and doubling the compliance schedule.

Almost within the same breath of State Board Chair Doduc's request for the Regional Board to comply with the noticing requirements within three months, Boardmember Baggett's suggested amendment that the remand be amended to allow additional TMDL compliance time pursuant to similar TMDL time schedules was voted down. Again, this means that the Regional Board was only required to revise the remanded portions of the TMDL, specifically noticing and re-circulation under CEQA, and not reinvent the provisions or timeline for implementation.

Coastkeeper is extremely concerned and disappointed as the Regional Board's revisitation and revision of the TMDL doubles the compliance schedule from ten years to twenty. Had the Regional Board adopted the TMDL as per the State Board's request, implementation could be beginning. It is in the interest of all parties to anticipate consistency and certainty of decisions. By revisiting the TMDL and fundamentally changing its temporal effect, the Regional Board's actions are only continuing to delay the cleanup process. We also fear the path this TMDL took will discourage the kind of collaborative process between stakeholders that led to the initial compliance timeline.

While we disagree with the expansion of the compliance schedule and though we still believe the ten year timeline was aggressive yet fair, we do take note of and appreciate that 80% of the implementation will be completed within the first ten years. We are working with the City of San Diego to help them find pilot projects and technical solutions to meet the required reductions. We look forward to the final adoption and implementation of the TMDL at the meeting on April 25th, and will be available to address concerns during the hearing.

Thank you for your consideration regarding this important matter.

Sincerely,

Caitlyn Obolsky  
Legal Intern  
San Diego Coastkeeper

Gabriel Solmer  
Supervising Attorney  
San Diego Coastkeeper